

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE COUNTY ENVIRONMENTAL)
COALITION, PENNENVIRONMENT,)
INC. and THE GAIA DEFENSE LEAGUE,)
Plaintiffs)

v.)

MILLCREEK TOWNSHIP SEWER)
AUTHORITY AND MILLCREEK)
TOWNSHIP,)
Defendants)

CIVIL ACTION NO. 05-59 ERIE
ELECTRONICALLY FILED

JUDGE COHILL

**FOURTH SUPPLEMENTAL
AFFIDAVIT OF GEORGE W. RIEDESEL**

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF ERIE)

I, GEORGE W. RIEDESEL , first being duly sworn on oath and under penalty of perjury,
hereby states as follows:

1. It has been nearly 42 months (September 2004 - March 2008) since there has been an overflow at any of the following three locations: (1) 51st and 52nd Streets and Zimmerly Road; (2) Larchmont and Beaver Streets; and (3) Church and Patton and Pershing Streets.

2. MTSA and Millcreek have now conducted over 600 inspections in the areas tributary to the three manhole overflow areas alleged in Plaintiffs' Complaint.

3. MTSA and Millcreek have now inspected all of the areas that are tributary to the manholes at all three locations and have thus completed the I&I program outlined in the 2003 Kearsarge Consent Order and Agreement ("2003 COA").

4. MTSA and Millcreek have eliminated a total of 110 illegal stormwater connections that were impacting the sanitary sewer system in those areas during storm events.

5. MTSA and Millcreek have repaired 16 township lateral sewer lines that were impacting the sanitary sewer system in those areas during storm events.

6. Summit Township has provided MTSA and Millcreek with records documenting a total of 168 repairs to manholes and private sewer connections within Summit Township that were impacting the sanitary sewer system tributary to the Kearsarge Pump Station during storm events.

7. It is estimated that on average, each of the 294 system repairs or removals of illegal connections has reduced average flows by at least 720 gallons per day ("GPD") for a total flow removal of 211,700 gallons per day or 77.2 million gallons per year ("MGY").

8. In addition, as a result of inflow and infiltration discovered pursuant to the 2003 COA, Millcreek completed the replacement of the Glade Drive Sanitary Sewer in 2007.

9. The replacement of the Glade Drive Sanitary Sewer alone saves an estimated 97,800 GPD and approximately 35.7 MGY in flow.

10. The replacement of the Glade Drive Sanitary Sewer alone also reduces instantaneous peak wet weather flows by an estimated 1.0 million gallons per day "MGD".

11. The combined effect of all of these projects is an estimated reduction of 1.5 MGD in instantaneous peak flows in the project area.

12. The system repairs performed by Millcreek, MTSA and Summit Township combined with the Glade Drive Sanitary Sewer replacement are estimated to result in a 112.9 MGY reduction in flow to the Kearsarge Pump Station.

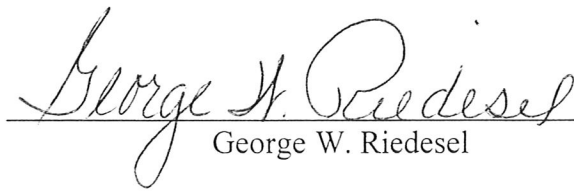
13. These estimated flow reductions are further supported by actual flow data collected at the Kearsarge Pump Station for 2007 that identified a reduction in flow of 143 MGY as compared to historical averages.

14. The work relating to the construction of the overflow retention tanks and accompanying improvements to the Kearsarge Pump Station were substantially completed and the overflow to Walnut Creek was disconnected on March 19, 2007.

15. In approximately one year since the overflow retention tanks have been completed, the tanks have functioned properly and there have been no overflows to Walnut Creek.

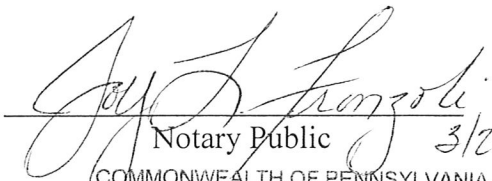
16. Millcreek and MTSA have completed all of the corrective measures required under the 2003 COA with PADEP including connecting a subdivision of 16 homes with failing septic systems to the MTSA public sewer system, conducting a Special Study, conducting extensive inflow and infiltration (I&I) investigations and removals in the area tributary to the Kearsarge Pump Station, obtaining permitting for and construction of the overflow retention facilities at the Kearsarge Pump Station, and removal of the overflow at the Kearsarge Pump Station.

17. The 2003 COA will terminate 24 months after the March 19, 2007 date of the removal of the overflow (March 19, 2009) provided there have not been any post-removal overflow events from areas tributary to the Kearsarge Pump Station.


George W. Riedesel

Sworn to and subscribed before me

this 28 day of March, 2008.


Notary Public 3/28/08
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Joy L. Fronzoli, Notary Public
Millcreek Twp., Erie County
My Commission Expires March 2, 2011
Member, Pennsylvania Association of Notaries

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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2008, the foregoing Fourth Supplemental Affidavit of George W. Riedesel was filed electronically with the Clerk of Court using the Electronic Case Filing system. Notice of this filing will be sent to all parties by operation of the Court's ECF system and constitutes service of this filing under Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure. Parties may access this filing through the Court's ECF system.

s/ Mark J. Shaw

Mark J. Shaw

PA 50763

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